

Access to Data in Accordance with Data Practices Act

POLICY: It is the policy of the Office of Human Resources to adhere to the current State laws covering data practices contained in Minnesota Statutes 13.34 and 13.43 for employment testing and selection of employees.

DEFINITIONS: In addition to complying with the State and Federal Laws concerning data privacy, the Office of Human Resources will continue to provide information to employees and potential candidates only to the extent that disclosure of data will not compromise the objectivity or fairness of the testing or examination process. Data is classified in one of three manners:

Public Data, either on individuals' or not on individuals, is accessible to the public.

Private Data is not accessible to the public but is accessible to the subject of the data. Access to private data on individuals by parties other than the subject of the data is generally prohibited unless

- (a) the party is specially authorized by law;
- (b) the subject of the data has given his/her informed consent (M.S. 13.05 subd. 4d)

Confidential Data, which is not accessible to either the public or the subject of the data except in summary or statistical form (which does not reveal individual identities).

PROCEDURE: The following is data collected on individuals involved in the selection process and the current policy on accessibility to that data:

1. Employment application (current and former employees): This is considered private information which is only accessible to staff members involved in the selection process, appointing authority and the subject of the data.
2. Examination material: Data consisting solely of testing or examination materials, or scoring keys used solely to determine individual qualifications for appointment or promotion in public service, the disclosure of which would compromise the objectivity or fairness of the testing or examination process are confidential except pursuant to court order. Completed versions of personnel examinations shall be accessible to the individual who completed the examination, unless the Director of Human Resources determines that access would compromise the objectivity, fairness, or integrity of the examination process. We will not provide copies of completed examinations or answer keys to any individual who has completed an examination.
3. Applicant test records: This information is considered private and accessible only to staff working with applicant test records and the subject of the test records.
4. Requests for the examination review: This is considered private data. The information presented to the office by the applicant is seen only by the examination staff, or by special subject matter experts who may be called in to make a judgement on the validity of the request.
5. Training and experience scoring key: This is confidential data. Scoring keys are only seen by the examination staff.
6. Eligible lists and examination records: This data is considered private, only accessible by staff working with eligible lists and exam records, and by department appointing officers directly involved in selection.

7. Fingerprint cards: This is considered private data and is only accessible to staff members involved in the selection process and Police department staff for subject identification.
8. Residency Affidavit: Affidavit signed by applicant attesting to City residency is private data.
9. Employment correspondence: Correspondence with applicants for employment is private data.
10. Examiner's and panel member's names, phone numbers and addresses are considered private data. However, their names may be released after the exam.
11. The names of people who passed or failed an exam is confidential data only accessible by staff members involved in the selection process.
12. Test result statistics: On a weekly basis the following information will be tabulated and posted for one month in the front office of the Human Resources Department: Name of test given, number of candidates who took test, number of people who passed and failed the exam, and the average score of the exam. These will be the only test results released to the public.
13. The following information about current and former employees is generally available to the public upon request:
 - name;
 - actual gross salary and salary range;
 - contract fees;
 - actual gross pension;
 - the value and nature of employer paid fringe benefits;
 - basis for and the amount of added remuneration/reimbursement, including expenses in addition to salary;
 - job title;
 - job description;
 - education and training background;
 - previous work experience;
 - date of first and last employment;
 - work location;
 - work telephone number;
 - badge number;
 - honors and awards received;
 - payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data;
 - city and county residence;
 - veteran status; and
 - rank on eligible list and relevant test scores in titles certified.

The following data is also public, but shall be released only after approval by the City Attorney:

- the status of any complaints or charges against the employee;
- whether or not the complaint or charge resulted in disciplinary action; and
- final disposition of any disciplinary action and supporting documentation.

14. The following information about current and former applicants for employment is generally available to the public upon requests:

- veteran status;
- rank on eligible list and relevant test scores in titles certified;
- job history;
- education and training; and
- work availability.

Note: The names of applicants are not available to the public until they are certified for an appointment/vacancy.

#13 & #14 are part of executive order: E-34; May 22, 1990

IF YOU HAVE FURTHER QUESTIONS REGARDING THIS POLICY, PLEASE CONTACT:

Kelly Barto – Office of Human Resources
(651) 266-6483